MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court

Name (under which you were convicted):

District Western Dist. of Mo. S. Div.

Docket or Case No:

Clifford KiNH	(n.A.E.		
Place of Confinement:		Prisoner No: 32 32481-045	
FORT Wouth FI	46	00/0/ 0/9	
Movant	V	United States of America	
Clifford Kin	KADE		
	<u>MO'</u>	TION	
1. (a) Name and location of U.S. District Courts 1400 U.S. Courts	court that entered the jud IRT, Western Dist House, ZZZ Fohn (dgment of conviction you are challenging: Frict of Missouri, Southern Division Q Hammons PKWY, Spring field, Mo. 6580	06.
(b) Criminal docket or cas	se number (if you know)	6:17-CT-03073-MDH-1	
2. (a) Date of the judgment of	of conviction (if you kno	ow):	
		019	
3. Length of sentence: 2	•		
4. Nature of crime (all coun	ts): 18 U.S.C.§	2422(b), Coercion or Enticement of N	limor;
20		*	
5. (a) What was your plea: ((Check one) (2) Guilty	(3) Nolo contendere (no contest)	
indictment, what did you ple	ead guilty to and what di	dictment, and a not guilty plea to another count or id you plead not guilty to? SOF SERVEL Exploitation of Children - ECLON or Enticement of Female-dism	લેોકામા <i>ક</i> ક (૧<૬૨૯(

6.	If you went to trial, what kind of trial did you have? (Check one) Jury Judge Only
7.	Did you testify at a pretrial hearing, trial, or post-trial hearing?
8.	Did you appeal from the judgment of conviction? Yes No
9.	If you did appeal, answer the following: (a) Name of court: United States Court of Appeals Pour the 8th Circuit
	(b) Docket or case number (if you know): No: 19-2387
	(c) Result: Dismissed
	(d) Date of result (if you know): Nov. 20, 2019
	(e) Citation of the case (if you know): US. L. Non E
	(f) Grounds raised: 1) Appellate whive lin plea agreement did not bar appeal 2) Dist. Ct. ested in growting Gov. Motion for leave to file obj. to PSR 3) Pist. Ct. ested in calculating 5 additional pts. For Ch. 4 ennancement 3) Dist. Ct. ested in enhancing sentence under cycs reference to use of a content of sentence of the content of sentence of the content of
	(2) Result:
	(3) Date of result (if you know):
	(4) Citation to the case (if you know):
	(5) Grounds raised:
1(ap	Other than the direct appeals listed above, have you previously filed any other motions, petitions, or polications concerning this judgment of conviction in any court? Yes No
11	If your answer to Question 10 was "Yes," give the following information: N//
	(a)(1) Name of court:
	(2) Docket of case number (if you know):

	(3) Date of filing (if you know):
	(4) Nature of the proceeding:
	(5) Grounds raised:
	0 11
	(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes No
2	(7) Result:
	(8) Date of result (if you know):
	(b) If you file any second motion, petition, or application, give the same information: (1) Name of court:
	(2) Docket of case number (if you know):
	(3) Date of filing (if you know):
	(4) Nature of the proceeding:
	(5) Grounds raised:
	(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes No
	(7) Result:
	(8) Date of result (if you know):
	(c) Did you appeal to a federal appellate court having jurisdiction over the action taken onyour motion petition, or application?
	(1) First petition Yes No
	(2) Second petition Yes No
	(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you

	12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.
	GROUND ONE: IN Effective Assistance of trial Counsel
	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim): See items ithroited the attached memorandom of Points and Authorities in support of Petitioner's Motion to Vacate Sentence 28 6.5 c. 2255 which is incorporated by reference as if fully stated herelwas Ground One.
	(b) Direct Appeal of Ground One: (1) If you appealed from the judgment or conviction, did you raise this issue?
	Yes No V
	(2) If you did not raise this issue in your direct appeal, explain why:
	(c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No No
	(2) If your answer to Question (c)(1) is "Yes," state: Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application? Yes No
	(4) Did you appeal from the denial of your motion, petition, or application? Yes No
.1	(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal? Yes No
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(6) If your answer to question (c)(4) is "Yes," state:
Name and location of the court where the appeal was filed:
Docket case number (if you know):
Date of the court's decision:
Result: (attach a copy of the court's opinion or order if available);
(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:
GROUND TWO: IN Effective Assistance of Appellate Counsel woody
(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim): See the item listed unclek Grand Theo(2) on the attached Memorandum of Points and Huthurittes in support of Petitloner's Motion to VALHE Sentency 2845C which is incorporated here in as if fully restated verbatim.
(b) Direct Appeal of Ground Two: (1) If you appealed from the judgment or conviction, did you raise this issue? Yes No
(2) If you did not raise this issue in your direct appeal, explain why:
S S S
(c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No No
(2) If your answer to Question (c)(1) is "Yes," state: Type of motion or petition:
Name and location of the court where the motion or petition was filed:

(b) Direct Appeal of Ground Three:
(1) If you appealed from the judgment or conviction, did you raise this issue?
Yes No L
(2) If you did not raise this issue in your direct appeal, explain why:
(c) Post-Conviction Proceedings:
(1) Did you raise this issue in any post-conviction motion, petition, or application?
Yes No
(2) If your answer to Question (c)(1) is "Yes", state: Type of motion or petition:
type of motion or petition:
Name and location of the court where the motion or petition was filed:
Docket or case number (if you know):
Docket of case number (it you know).
Date of the court's decision:
Result (attach a copy of the court's opinion or order, if available):
(3) Did you receive a hearing on your motion, petition, or application?
Yes No
(4) Did you appeal from the denial of your motion, petition, or application?
Yes No
(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal?
Yes No
(6) If your answer to question (c)(4) is "Yes," state:
Name and location of the court where the appeal was filed:
Docket case number (if you know):
Date of the court's decision:
Result: (attach a copy of the court's opinion or order if available):

(7) If your answer to Ques this issue:	tion (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise
GROUND FOUR:	
(a) Supporting facts (Do not arg	gue or cite law. Just state the specific facts that support your claim.):
Yes No	Four: e judgment or conviction, did you raise this issue? ' issue in your direct appeal, explain why:
(c) Post-Conviction Proceeding (1) Did you raise this issue	ngs: in any post-conviction motion, petition, or application?
(2) If your answer to Quest Type of motion or petition	
Name and location of the	e court where the motion or petition was filed:
	(if you know):
Date of the court's decis	ion:
Result (attach a copy of	the court's opinion or order, if available):
#	
(3) Did you receive a hear Yes No	ing on your motion, petition, or application?
(4) Did you appeal from the Yes No	ne denial of your motion, petition, or application?

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue on appeal? Yes No No	
(6) If your answer to question (c)(4) is "Yes," state:	
Name and location of the court where the appeal was filed:	100
Docket case number (if you know):	27
Date of the court's decision:	
Result: (attach a copy of the court's opinion or order if available):	
(7) If your answer to Question (c)(4)or Question (c)(5) is "No," explain whyyou did not appeal or raise this issue:	
13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: All grounds in this motion are presented first in this motion are to appeal to the 3th Cir. Naving been dismissed on the Gours motion.	×
14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes No	
If "Yes," state the name and location of the court, the docket or case number, the type or proceeding, and the issues raised:	
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:	
(a) At preliminary hearing: NONE Atthough Michelle NAhon Movider filed Notice of A)Pehre
(b) At arraignment and plea: Michelle NAhon Moulder	
(c) At trial: Adam D. Woody	
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(d) At sentencing: Adam V. Woody
(e) On appeal: Adam D. Woody
(f) la any:post-conviction proceeding:
(g) On appeal from any ruling against you in a post-conviction proceeding:
16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same time? Yes No
17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No U
(a) If so, give name and location of court that imposed the other sentence you will serve in the future:
(b) Give the date of the other sentence was imposed:
(c) Give the length of the other sentence:
(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes No
18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitation as contained in 28 U.S.C § 2255 does not bar your motion.* (see below)
Being filed pursuant to the BOP mailbox Rvie pursuant to the determination as set out i'm Clay v. U.S., 537 U.S. 522 (2003) and timely pursuant to the supreme Court's Order pecided march 19,2020 and supplemented
to the supreme court's Order recided march 19,2020 and supplemented by it's order dated April 15,2020.

*The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. §2255, paragraph 6, provides in part that:

A one-year period limitations shall apply to a motion under this section. The limitation period shall run from the latest of:

(1) the date on which the judgment of conviction became final;

(2) the date on which the impediment to making a motion created by governmental action inviolation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, Movant asks that the Court grant the following relief: Reverse the undersigned is Conviction and/or Remard for a new trial based upon all grounds asserted in this motion including but not limited to ineffective ness of the fund appellate coursel under the standard set out in streckland under or any other relief to which movant is entitled. when the standard set out in streckland under the standard set out in stan

Signature of Attorney (if any)

Executed (signed) on 5-31-21 (date)

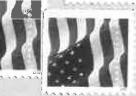
Chlored Thikalu Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

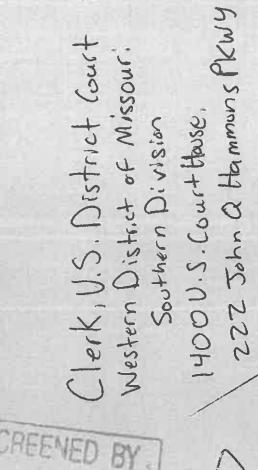
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